

BEFORE THE BOARD OF CHIROPRACTIC PHYSICIANS

STATE OF IDAHO

In the Matter of the License of: )  
 ) Case No. CHI-2007-3  
GEOFFREY DAVID GREENWAY, D.C., )  
License No. CHIA-1062, ) **STIPULATION AND**  
 ) **CONSENT ORDER**  
Respondent. )  
 )

CHI\Greenway\P6354lka

WHEREAS, information having been received by the Idaho State Board of Chiropractic Physicians (hereinafter the "Board") which constitutes sufficient grounds for the initiation of an administrative action against Geoffrey David Greenway, D.C. (hereinafter "Respondent"); and

WHEREAS, the parties mutually agree to settle the matter pending administrative Board action in an expeditious manner; now, therefore,

IT IS HEREBY STIPULATED AND AGREED between the undersigned parties that this matter shall be settled and resolved upon the following terms:

A.

1. The Board may regulate the practice of chiropractic in the State of Idaho in accordance with title 54, chapter 7, Idaho Code.

2. Respondent Geoffrey David Greenway, D.C. is a licensee of the Idaho State Board of Chiropractic Physicians and holds License No. CHIA-1062 to practice chiropractic in the State of Idaho. Respondent's license is subject to the provisions of title 54, chapter 7, Idaho Code.

3. Pursuant to Idaho Code § 54-707(12), the Board has adopted a rule requiring continuing education as a condition of continued licensure. Board Rule 300.01.b (IDAPA 24.03.01.300.01.b) requires each renewal application to be accompanied by certification of having attended and completed a minimum of twelve hours of scientific clinics, forums, or chiropractic study within the previous twelve

months, as approved by the Board.

4. On or about March 29, 2005, Respondent submitted his License Renewal Application for the 2006-07 renewal year. As part of his License Renewal Application, Respondent signed the following affidavit:

I hereby certify under penalty of perjury that my responses to the above are true and correct, and that I have met the continuing education requirement as prescribed by the laws & rules applicable to the license for which I am applying to renew, and that documented proof of my attendance is in my possession and will be provided upon request.

5. The License Renewal Application further notified Respondent that the Board would conduct random audits to ensure compliance with continuing education requirements.

6. On or about August 18, 2006, Respondent was notified that he had been selected for a continuing education audit. Respondent was requested to provide documentation to the Bureau of Occupational Licenses by September 18, 2006, to confirm completion of twelve hours of continuing education during the period between April 7, 2005, and April 7, 2006. Respondent did not reply to the audit request.

7. On December 1, 2006, the Office of the Attorney General sent Respondent a letter requesting that Respondent reply to the audit request.

8. On December 6, 2006, Respondent submitted to the Attorney General's Office and to the Bureau of Occupational Licenses his Continuing Education Audit Verification and Certificate of Compliance with supporting documentation.

9. The Continuing Education Audit Verification and Certificate of Compliance submitted by Respondent reflects that Respondent attended the following continuing education for the audit period April 7, 2005, to April 7, 2006:

Course Title	Dates	Sponsoring Organization	Location	Total hrs
WSCA Rehab Seminar	4/2/05	Breakthrough Coaching	Seattle, WA	6
Rehab Boot Camp	4/8/06	Breakthrough Coaching	Seattle, WA	7
Total Hours				13

10. The programs submitted by Respondent on the Continuing Education Audit Verification and Certificate of Compliance have not been approved by the Board for continuing education credit.

11. The above-stated allegations, if proven, would constitute a violation of the laws and rules governing the practice of chiropractic, specifically Idaho Code §§ 54-707(12) and 54-712(15), and IDAPA 24.03.01.300.01.b. Violations of these laws and rules would further constitute grounds for disciplinary action against Respondent's license to practice chiropractic in the State of Idaho.

12. Respondent, in lieu of proceeding with a formal disciplinary action to adjudicate the allegations as set forth above, hereby admits the violations and agrees to the discipline against his license as set forth in Section C below.

**B.**

I, Geoffrey David Greenway, D.C., by affixing my signature hereto, acknowledge that:

1. I have read and admit the allegations pending before the Board, as stated above in Section A. I further understand that these allegations constitute cause for disciplinary action upon my license to practice chiropractic in the State of Idaho.

2. I understand that I have the right to a full and complete hearing; the right to confront and cross-examine witnesses; the right to present evidence or to call witnesses, or to so testify myself; the right to reconsideration; the right to appeal; and all rights accorded by the Administrative Procedure Act of the State of Idaho and the laws and rules governing the practice of chiropractic in the State of Idaho. I hereby freely and voluntarily waive these rights in order to enter into this stipulation as a resolution of the pending allegations.

3. I understand that in signing this Stipulation and Consent Order I am enabling the Board to impose disciplinary action upon my license without further process.

/ / /

**C.**

Based upon the foregoing stipulation, it is agreed that the Board may issue a decision and order upon this stipulation whereby:

1. Respondent shall pay to the Board an administrative fine in the amount of Two Hundred Fifty and No/100 Dollars (\$250.00) within thirty (30) days of the entry of the Board's Order.

2. Respondent shall obtain and shall submit proof of completion of twelve (12) credits of Board-approved continuing education within sixty (60) days of entry of the Board's Order. Said twelve credits of continuing education shall be applied to Respondent's 2005-06 renewal year and shall not be applied to Respondent's required continuing education for the current renewal year (2006-07).

3. At the time Respondent renews his license in 2007, Respondent shall submit with his License Renewal Application documentation verifying completion of the required continuing education.

4. All costs associated with compliance with the terms of this Stipulation and Consent Order are the sole responsibility of Respondent.

5. The violation of any of the terms of this Stipulation and Consent Order by Respondent will warrant further Board action. The Board therefore retains jurisdiction over this proceeding until all matters are finally resolved as set forth in this Stipulation.

**D.**

1. It is hereby agreed between the parties that this Stipulation and Consent Order shall be presented to the Board with a recommendation for approval from the Deputy Attorney General responsible for prosecution before the Board at the next regularly scheduled meeting of the Board.

2. Respondent understands that the Board is free to accept, modify with Respondent's approval, or reject this settlement agreement, and if rejected by the Board, an administrative Complaint will be filed. By signing this document, Respondent waives

any right Respondent may have to challenge the Board's impartiality to hear the allegations in the Complaint based on the fact that the Board has considered and rejected this settlement agreement. Pursuant to Idaho Code § 67-5252, Respondent retains the right to otherwise challenge the impartiality of any Board member to hear the allegations in the Complaint based upon bias, prejudice, interest, substantial prior involvement in the case or any other reason provided by law or for any cause for which a judge is or may be disqualified.

3. If the Board does not accept this Consent Order then, except for Respondent's waiver set forth in Paragraph D(2), above, it shall be regarded as null and void. Admissions by Respondent in the settlement agreement will not be regarded as evidence against Respondent at the subsequent disciplinary hearing.

4. With the exception of Paragraph D(2), above, which becomes effective upon Respondent signing this document, this Stipulation and Consent Order shall not become effective until it has been approved by a majority of the Board and endorsed by a representative member of the Board.

5. Any failure on the part of Respondent to timely and completely comply with any term or condition herein shall be deemed a default.

6. Any default of this Stipulation and Consent Order shall be considered a violation of Idaho Code § 54-712. If Respondent violates or fails to comply with this Stipulation and Consent Order, the Board may impose additional discipline pursuant to the following procedure:

a. The Chief of the Bureau of Occupational Licenses shall schedule a hearing before the Board to assess whether or not Respondent has defaulted under this agreement. The Chief shall also serve notice of the default hearing and charges to Respondent and to Respondent's attorney, if any. Within twenty-one (21) days after the notice of default hearing and charges is served, Respondent shall submit a response to the allegations. If Respondent does not submit a timely response to the Board, the allegations

of default will be deemed admitted.

b. At the default hearing, the Board and Respondent may submit affidavits made on personal knowledge and present oral argument based upon the record in support of their positions. Unless otherwise ordered by the Board, the evidentiary record before the Board shall be limited to such affidavits and this Stipulation and Consent Order. Respondent waives a hearing before the Board on the facts and substantive matters related to the violations described in Section A, and waives discovery, cross-examination of adverse witnesses, and other procedures governing administrative hearings or civil trials.

c. At the default hearing, the Board will determine whether to impose additional disciplinary action, which may include conditions or limitations upon Respondent's practice or suspension or revocation of Respondent's license.

7. This Stipulation and Consent Order is the resolution of a contested case and is a public record.

8. This Stipulation and Consent Order contains the entire agreement between the parties, and Respondent is not relying on any other agreement or representation of any kind, verbal or otherwise.

I have read the above stipulation fully and have had the opportunity to discuss it with legal counsel. I understand that by its terms I will be waiving certain rights accorded me under Idaho law. I understand that the Board may either approve this stipulation as proposed, approve it subject to specified changes, or reject it. I understand that, if approved as proposed, the Board will issue an Order on this stipulation according to the aforementioned terms, and I hereby agree to the above stipulation for settlement. I understand that if the Board approves this stipulation subject to changes, and the changes are acceptable to me, the stipulation will take effect and an order modifying the terms of the stipulation will be issued. If the changes are unacceptable to me or the Board rejects this stipulation, it will be of no effect.

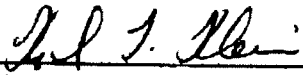
DATED this 12 day of January, 2007.

  
Geoffrey David Greenway, D.C.  
Respondent

I concur in this stipulation and order.

DATED this 16<sup>th</sup> day of January, 2007.

STATE OF IDAHO  
OFFICE OF THE ATTORNEY GENERAL

By   
Karl T. Klein  
Deputy Attorney General

### ORDER

Pursuant to Idaho Code § 54-707, the foregoing is adopted as the decision of the Board of Chiropractic Physicians in this matter and shall be effective on the 1<sup>st</sup> day of March, 2007. IT IS SO ORDERED.

IDAHO STATE BOARD  
OF CHIROPRACTIC PHYSICIANS

By   
Patrick Mayo, Chair

## CERTIFICATE OF SERVICE

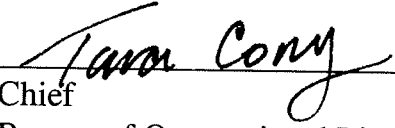
I HEREBY CERTIFY that on this 1<sup>st</sup> day of March, 2007, I caused to be served a true and correct copy of the foregoing by the following method to:

Geoffrey David Greenway, D.C.  
229 Pine Street  
Sandpoint, ID 83864

- ☒ U.S. Mail
- ☐ Hand Delivery
- ☒ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: \_\_\_\_\_
- ☐ Statehouse Mail

Karl T. Klein  
Deputy Attorney General  
P.O. Box 83720  
Boise, ID 83720-0010

- ☐ U.S. Mail
- ☐ Hand Delivery
- ☐ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: \_\_\_\_\_
- ☒ Statehouse Mail

  
\_\_\_\_\_  
Chief  
Bureau of Occupational Licenses